@#@#@#@#@#@#@

THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.17123 OF 2005

DATED:23rd September, 2005

Between:

K.Arjun Rao

..... PETITIONER

AND

The Joint Collector, Ranga Reddy District

at Lakdikapool, Hyderabad

.....RESPONDENT

@#@#@#@#@#@#@

THE HONOURABLE MR. JUSTICE K.C.BHANU

WRIT PETITION NO.17123 OF 2005

ORDER:

This writ petition is filed to declare the action of the respondents in fixing the price of 12,000 litres of kerosene as value of the vehicle, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and perused the material available on record.

The matter is squarely covered by the decision of the Supreme Court in **Deputy Commissioner, Dakshina Kannada District v. Rudolph Fernandes,** wherein it was held that proviso to Section 6-A limits the power of the competent authority to recover fine up to the market price for releasing the animal, vehicle, vessel or other conveyance sought to be confiscated.

Therefore, following the said judgment, the respondent is directed to value the kerosene tanker in question and pass necessary orders. It is also made clear that pending disposal of the 6-A proceedings, the petitioner shall not transfer or alienate the vehicle and he shall give an undertaking to that effect at the time of taking interim custody.

The writ petition is accordingly disposed of. No costs.

23rd September, 2005

SKM